

**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
Creation of a Low Power)	MM Docket No. 99-25
Radio Service)	
)	

To: The Commission

JOINT COMMENTS

Abundant Family Life Center, Inc. (“Abundant Family Life”), First Assembly of God of Springfield, Illinois (“Assembly of God”), and Insight Ministries, Inc. (“Insight”), hereby submit their Joint Comments concerning the FCC’s *Second Order on Reconsideration and Further Notice of Proposed Rulemaking*, MM Docket 99-25, FCC 05-75, released March 17, 2005 (the “*FNPRM*”).

Abundant Family Life, Assembly of God and Insight are the permittees (File Nos. BNPL-20000901AHT, BNPL-20000901AAB and BNPL-20000901AHS, respectively, on a share-time basis, of a new LPFM station on Channel 245 at Springfield, Illinois. The proposals in the *FNPRM* have direct and immediate implications for the Springfield low power station.

Covenant Network (“Covenant”), licensee of noncommercial educational FM station WOGL, Channel 245, Carlinville, Illinois, filed petitions for reconsideration of the grant of the Springfield LPFM permits, alleging that the new low power station would produce co-channel interference to the input signal for Covenant’s translator rebroadcasting WOGL on Channel 205, also at Springfield – but approximately 40 miles from WOGL’s community of

license and far beyond its 60 dBu contour. This interference, Covenant alleged, would violate Section 73.827(a) of the Rules, which requires an LPFM station to discontinue operation if it causes interference to the input signal of a previously authorized FM translator, unless the interference can be resolved to the satisfaction of both parties. The FCC staff, in a letter dated July 25, 2005, dismissed Covenant's petition as premature, because the low power station is not operating and the allegation of interference – unless and until it actually occurs *and* the parties are unable to resolve it – is, therefore, speculative. Notwithstanding the dismissal of the reconsideration petitions, however, the threat of possible FCC action casts a shadow on the future of the LPFM station, unless the FCC adopts some of the changes proposed in the *FNPRM* (or the parties find some other means of resolving Covenant's concerns about potential interference).

The Springfield LPFM permittees offer a clear illustration how the FCC's rules, as currently written, impede the agency's regulatory objectives. The LPFM service was created to provide new voices in a radio broadcasting industry increasingly characterized by group owners that dominate local markets. To advance that objective, the FCC has, so far, limited LPFM licensees to ownership of a single station, and has utilized a system that favors local ownership and origination of local programming. Because the FCC has not permitted LPFM licensees to have interests in full power stations, they are, by definition, "new" voices and, in many cases, the license holders are newcomers to the broadcasting industry. The Springfield LPFM permittees represent the fulfillment of the FCC's objectives for the LPFM service. All three are local organizations; all three, in their applications, proposed significant local programming initiatives; two are minority-controlled.

Translators such as Covenant's, however, provide no local programming; indeed, they are prohibited from originating programming (except for brief messages to solicit or acknowledge financial support). That means no local studio, no local programming, and no outlet for local voices. In many cases, translators operate far from the community the originating station is licensed to serve (as is the case with Covenant's Springfield translator), meaning there is little or no nexus between the programming broadcast by the translator and the needs and interests of the community in which it is located.

In the *FNPRM*, the FCC concludes (§ 31) that "it is appropriate to reevaluate the current co-equal status of LPFM and FM translator stations," and asks a number of questions, including (§ 33) whether LPFM stations should be considered "primary" vis a vis previously authorized translators and previously-filed translator applications; whether LPFM stations that provide local programming should be given primary status, and whether there should be classes of translators, such as "fill-in" translators that would be protected and "other area" translators, i.e., translators located beyond the originating station's 60 dBu contour. These questions help to frame the issues but do not address some of the problems and nuances that surround the shared-time LPFM station in Springfield.

First of all, Section 73.827(a) of the Rules, though not mentioned in the *FNPRM*, is clearly a badge of inferior, or "secondary" status. It operates to preclude new LPFM service just as certainly as the necessity to protect the translator's output signal against interference. It potentially frustrates the purposes of the FCC policies by protecting a non-local station at the expense of local ownership and local programming. It is particularly inequitable when, as in the case of the Springfield translator, the rules permit the licensee to avoid interference from the LPFM station by using a means other than off-air reception to

feed programming to the translator (because the translator operates noncommercially in the reserved portion of the FM band).

Second, the final rules should recognize that some LPFM licensees – like the Springfield permittees – do not operate on a full-time schedule. Thus, measures that the FCC might adopt, based, for example on the number of hours of operation, or the amount of locally originated programming, need to recognize that some LPFM licensees will have limited operating schedules because of reasons that are largely beyond their control.

For the most part, translators are intended to serve rural and underserved areas. Larger communities, such as Springfield, need more local voices, not repeaters of distant stations. It might be appropriate for the FCC to continue the primary status of fill-in translators, because in some cases terrain may limit reception of a local station. But in larger communities with a full complement of local full power stations, there is no reason to preserve distant programming at the expense of new local voices.

Respectfully submitted,

INSIGHT MINISTRIES, INC.

FIRST ASSEMBLY OF GOD

By /s/ Michael Pittman
Michael Pittman, President

By /s/ Derrick P. Phillips
Derrick P. Phillips

BUNDANT FAMILY LIFE CENTER

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y /s/ Jerry W. Doss
Jerry W. Doss, President

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